

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

August 10, 2010

In the Matter of J. J. WILKERSON, Minor.

No. 295638

Wayne Circuit Court

Family Division

LC No. 08-268532-NA

Before: WILDER, P.J., and CAVANAGH and SAAD, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (j), and (k)(ii). We affirm.

On appeal, respondent does not challenge whether one or more statutory grounds for termination were established by clear and convincing evidence or whether termination of his parental rights was in the best interest of the child. Rather, he claims on appeal that the court erroneously admitted court records relating to his then-pending criminal charges, as well as his prior criminal convictions for criminal sexual conduct, and that the court erred in allowing testimony before he became present via speakerphone. He contends that these errors of law and violations of due process prevented a fair determination by the court of whether clear and convincing evidence had been presented to support termination of his parental rights. We disagree.

Counsel for respondent did not object to the admission of the documentary evidence at issue when presented for admission by petitioner and has waived appellate review of his claim. See *People v Carines*, 460 Mich 750, 763, 774; 597 NW2d 130 (1999). We are aware that counsel later objected to the documentary evidence at issue during the testimony of the caseworker. Even if this was sufficient to preserve the argument for appeal, reversal of the trial court's decision would not be warranted. The Oakland County court records were admissible under MRE 803(8). Although the criminal complaint and warrant were not admissible under MRE 803(8), *People v McDaniel*, 469 Mich 409, 413; 670 NW2d 659 (2003), any error was harmless because there was abundant evidence from the testimony of his two stepdaughters to support termination on any of the statutory grounds. We also disagree with respondent's claim that his brief absence at the onset of the adjudication trial/termination hearing prevented the court from making a fair determination of whether clear and convincing evidence had been presented to establish one or more grounds for termination of parental rights. Unlike the situation recently addressed by our Supreme Court in *In re Mason*, 486 Mich 142, 154; 782 NW2d 747 (2010),

respondent was provided “the opportunity to participate in the proceedings” to terminate his parental rights. See MCR 2.004. At the beginning of the trial, when the telephone connection was being established, respondent was well represented by counsel. Respondent was then connected a short time after the commencement of the caseworker’s testimony and was able to listen to the trial by speakerphone. Respondent has not explained how his brief absence, with counsel still present, made a difference in the outcome of the proceedings.

Affirmed.

/s/ Kurtis T. Wilder
/s/ Mark J. Cavanagh
/s/ Henry William Saad